

United States
Circuit Court of Appeals
For the Ninth Circuit.

CHEW HOY QUONG,

Appellant,

vs.

EDWARD WHITE, as Commissioner of Immigration at
the Port of San Francisco, California,
Appellee.

In the Matter of the Application of CHEW HOY
QUONG, for a Writ of Habeas Corpus for and on
Behalf of His Wife, QUOK SHEE.

Transcript of Record.

Upon Appeal from the Southern Division of the United States
District Court for the Northern District of California,
First Division.

Filed

FEB 15 1917

F. D. Monckton,
Clerk.

United States
Circuit Court of Appeals
For the Ninth Circuit.

CHEW HOY QUONG,

Appellant,

vs.

EDWARD WHITE, as Commissioner of Immigration at
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INDEX TO THE PRINTED TRANSCRIPT OF RECORD.

[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

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Names and Addresses of Attorneys of Record.

For the Petitioner:

DION R. HOLM, Esq., and ROY A. BRON-
SON, Esq., both of San Francisco, Cali-
fornia.

For the Respondent:

UNITED STATES ATTORNEY, San Fran-
cisco, California.

*In the District Court of the United States, in and for
the Northern District of California.*

No. 16,119.

In the Matter of the Application of CHEW HOY
QUONG, for a Writ of Habeas Corpus for and
on Behalf of His Wife, QUOK SHEE.

Praeceptum for Transcript of Record.

To the Clerk of said Court:

Sir: Please issue certified copies of the following
pleadings, etc.

1. Petition for Writ of Habeas Corpus with first
page of Amendments.
2. Order therein.
3. Demurrers.
4. Order Sustaining Demurrer and Denying Peti-
tion.
5. Notice of Appeal.
6. Petition for Appeal.
7. Order Allowing Appeal.
8. Assignment of Errors.
9. Stipulation as to Exhibits and Order.

10. Citation.

11. Praecept for Appeal and all minute orders of court, except those of postponement.

DION R. HOLM,

ROY A. BRONSON,

Attorneys for Appellant.

Received copy of the within on December 27, 1916.

JNO. W. PRESTON,

Attorney for Respondent.

[Endorsed]: Filed Dec. 27, 1916. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [1*]

*In the District Court of the United States, in and for
the Northern District of California.*

No. 16,119.

In the Matter of the Application of CHEW HOY
QUONG, for a Writ of Habeas Corpus for and
on Behalf of His Wife, QUOK SHEE.

Amendment to Petition for a Writ of Habeas Corpus.

Comes now your petitioner, Chew Hoy Quong, and asks leave of the Court to file this document as an amendment to his petition for a Writ of Habeas Corpus heretofore filed and respectfully alleges:

That on the 24th day of November, 1916, your petitioner caused to be filed a petition for a Writ of Habeas Corpus and that your petitioner employed counsel for the purposes of applying for said writ on the 23d day of November, 1916. That it was im-

*Page-number appearing at foot of page of original certified Transcript of Record.

possible to prepare and have copied the testimony hereunto attached at the time of filing the petition. That the attorneys applying for the writ did not represent your petitioner during the proceedings at the Immigration Station and that the testimony hereunto attached marked Exhibit "A" did not come into the hands of the attorneys for petitioner until the 23d day of November, 1916.

WHEREFORE, your petitioner prays that he be allowed to file this document as an amendment to his original petition and that the testimony hereunto attached marked Exhibit "A" may be considered as part of the original petition for a Writ of Habeas Corpus.

DION R. HOLM,
ROY A. BRONSON,
Attorneys for Petitioner. [2]

Exhibit "A" attached hereto omitted in accordance with order dated December 27, 1916. [3]

*In the District Court of the United States, in and for
the Northern District of California.*

No. 16,119.

In the Matter of the Application of CHEW HOY
QUONG, for a Writ of Habeas Corpus for and
on Behalf of His Wife, QUOK SHEE.

Petition for Writ of Habeas Corpus.

The petition of Chew Hoy Quong respectfully shows:

I.

That your petitioner is a person of Chinese extrac-

tion, with the standing of a merchant within the meaning of section 2 of the Act of November 3d, 1893 (28 Stat. L. 7), entitled "An Act to amend an act entitled 'an Act to prohibit the coming of Chinese persons into the United States,' approved May 5th, 1892," and as such is duly authorized to be and remain in the United States and to be accorded all the rights, privileges, immunities and exemptions which are accorded the citizens of the most favored nation.

II.

That the said Quok Shee, also known as Quok Sun Moy, the detained person and wife of petitioner on whose behalf this petition is made and as such wife is entitled under the laws to enter the United States of America.

III.

That said Quok Shee is unlawfully imprisoned, detained, confined and restrained of her liberty by Edward White, Commissioner of Immigration who is the person who has the care, [4] custody and control of the body of said Quok Shee at the Immigration Station of the United States at Angel Island, Bay of San Francisco, in this Northern District of California and is about to be deported therefrom to China.

IV.

That the illegality of said imprisonment, detention, confinement and restraint of liberty consists in the following, to wit: That your petitioner is a resident Chinese merchant lawfully domiciled in the city and county of San Francisco, State of California, and has been such merchant for twenty odd years past;

that on the 15th day of May, 1915, your petitioner departed from the United States to China on a temporary visit; that while in China and on or about February 21st, 1916, your petitioner was united in marriage according to the Chinese custom to the said Quok Shee; that thereafter, and in the month of July, 1916, your petitioner departed from China with his said wife for the United States arriving at this port of San Francisco, September 1st, 1916; that thereupon the said Quok Shee made application for admission to the United States as the wife of a merchant; that thereafter and on the 5th day of September, 1916, a hearing was had before J. B. Warner, Inspector, who reported favorably on said application; that thereafter the said Commissioner, Edward White, without good and sufficient or any cause, ordered a re-examination before the law department of immigration at Angel Island; that thereafter and on the 13th day of September, 1916, said application was reheard before one W. H. Wilkinson for the law section of said department of immigration who reported unfavorably upon said application; that thereupon said Edward White had a finding that said Quok [5] Shee had not established the existence of her relationship to her alleged husband, your petitioner, and the said application was thereupon denied; that thereafter the said Quok Shee appealed from said decision and finding to the Secretary of Labor at Washington, D. C. who subsequently ordered said Quok Shee deported, said deportation, to take effect Saturday, the 25th day of November, 1916.

That the said order and decision of Edward White, Commissioner of Immigration, and the said order and decision of the Secretary of Labor were made by them by reason of an abuse of discretion; that said abuse of discretion consisted of:

1. In ordering a re-examination of the witnesses on the application after a favorable report by the inspector before whom the application was heard and after proof of applicant's relationship.

2. Convincing proof of the relationship of said Quok Shee as wife to your petitioner was adduced at the first hearing of said application, September 5th, 1916, and of her right of entry to the United States, but not withstanding she was ordered deported.

3. Convincing proof of the relationship of said Quok Shee as wife to your petitioner was adduced at the said re-examination on September 13th, 1916, and of her right of entry to the United States but notwithstanding she was ordered deported.

4. No legal or any evidence to support or warrant deportation was presented to the said Edward White or the said Secretary of Labor proving or tending to prove that said Quok Shee was not the wife of your petitioner.

5. That the said Edward White, Commissioner of Immigration, refused to allow the attorneys for said Quok Shee to examine the report of the law officer who reported unfavorably on said application after the rehearing; that by reason of the said refusal the said attorneys were unable to intelligently or advisedly present the question at issue on the appeal to the Secretary of Labor, or to answer the facts evi-

denced, or therein contained detrimental to the applicant's claim by reason of the fact that it is impossible to find enough of conflict of unfavorable character in the record to have warranted the order and decision made. [6]

6. In addition of abuse of discretion aforesaid the illegality of said detention of Quok Shee consists of the following, to wit, that petitioner is informed and believes and therefore on such information and belief alleges that the said Edward White made his order, finding and decree of deportation under a mistake of law in this, that he demanded more than convincing proof to establish the relationship of said Quok Shee as wife of your petitioner.

That by reason of the foregoing Quok Shee is confined, detained and restrained of her liberty without due or any process of law and without proof of any kind or character establishing or tending to establish that Quok Shee was not or is not the wife of your petitioner and as such entitled to enter the United States of America.

V.

That said Quok Shee has exhausted all her rights and remedies and has no further rights or remedies before the department of labor and unless a Writ of Habeas Corpus issue out of this court as prayed for and directed to Edward White, Commissioner of Immigration in whose custody the body of said Quok Shee is, the said Quok Shee will be forthwith deported from the United States to China without due process of law; that your petitioner is the husband and next friend of said Quok Shee and makes this petition for

and on her behalf; that he is familiar with all the facts of the case and that said Quok Shee cannot petition this court in her own behalf by reason of said detention and restraint and that she requested your petitioner to make this petition for her.

WHEREFORE, your petitioner prays that a Writ of Habeas Corpus be issued by this Honorable Court directed to and commanding said Edward White, Commissioner of Immigration at the port of San Francisco to have and produce the body of the said Quok Shee before this Honorable Court, or to show cause [7] if any he has why the writ should not be granted, at the Postoffice Building in the city and county of San Francisco at a day and time certain to be fixed by this court in order that the alleged cause of imprisonment and detention of the said Quok Shee may be examined into in order that in case said detention and imprisonment is unlawful and illegal that the said Quok Shee may be discharged from the custody, detention and imprisonment. That a copy of this petition and the order prayed for is to be served on said Commissioner of Immigration.

DION R. HOLM,

ROY A. BRONSON,

Attorneys for Petitioner.

State of California,

City and County of San Francisco,—ss.

Chew Hoy Quong, being duly sworn, deposes and says: That he is the petitioner named in the foregoing petition; that the same has been read and explained to him; that he knows the contents thereof;

that the same is true of his own knowledge except as to the matters therein alleged on his information and belief and as to those matters he believes them to be true.

(Chinese Characters.)

CHEW HOY QUONG.

Subscribed and sworn to before me this 24th day of November, 1916.

[Seal]

JULIA W. CRUM,

Notary Public, in and for the City and County of San Francisco, State of California.

[Endorsed]: Filed Nov. 24, 1916. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [8]

In the District Court of the United States, in and for the Northern District of California.

In the Matter of the Application of CHEW HOY QUONG, for a Writ of Habeas Corpus for and on Behalf of His Wife, QUOK SHEE.

Order to Show Cause.

GOOD CAUSE APPEARING THEREFOR, and upon reading the verified petition on file herein,

IT IS HEREBY ORDERED that Edward White, Commissioner of Immigration for the port district of San Francisco, appear before this court on the 29 day of November, 1916, at the hour of 10 o'clock of said day to show cause if any he had why a Writ of Habeas Corpus should not be issued herein as prayed for and that a copy of this order with said writ be served upon the said commissioner.

AND IT IS FURTHER ORDERED that the said Edward White, Commissioner of Immigration aforesaid, or whoever acting under the orders of said commissioner and Secretary of Labor, shall have the custody of Quok Shee, are hereby ordered and directed to retain said Quok Shee within the custody of the said Commissioner of Immigration and within the jurisdiction of this court until further order herein.

November 24th, 1916.

M. T. DOOLING,

Judge of the United States District Court. [9]

Due service and receipt of a copy of the within Order and Petition is hereby admitted this 24th day of Nov. 1916.

JNO. W. PRESTON,

Attorney for Respondent.

[Endorsed]: Filed Nov. 24, 1916. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [10]

At a stated term of the District Court of the United States of America, for the Northern District of California, First Division, held at the courtroom thereof, in the city and county of San Francisco, on Friday, the 24th day of November, in the year of our Lord, one thousand nine hundred and sixteen. PRESENT: The Honorable MAURICE T. DOOLING, District Judge.

No. 16,119.

In the Matter of, QUOCK SHEE, on Habeas Corpus.

Minutes of Court—November 24, 1916—Order to Show Cause.

Pursuant to Order this day filed, it is ordered that Edward White, Commissioner of Immigration for the port of San Francisco, appear and show cause on November 29, 1916, at 10 o'clock A. M., why a Writ of Habeas Corpus should not issue as prayed and that a copy of this Order with copy of Petition herein be served upon said Commissioner. Further ordered that said Commissioner, or whoever acting under his orders and Secretary of Labor, shall have the custody of Quock Shee, retain said Quock Shee, within the custody of said Commisisoner of Immigration and within the jurisdiction of this Court until the further order herein. [11]

At a stated term of the District Court of the United States of America for the Southern Division of the Northern District of California, First Division, held at the courtroom thereof, in the City and County of San Francisco, on Saturday, the 9th day of December, in the year of our Lord one thousand nine hundred and sixteen. PRESENT: The Honorable MAURICE T. DOOLING, District Judge, et al.

No. 16,119.

In the Matter of QUOCK SHEE, on Habeas Corpus.

Minutes of Court—December 9, 1916—Hearing on Order to Show Cause.

This matter came on regularly this day for hearing of the order to show cause as to the issuance of

a writ of habeas corpus herein. C. A. Ornbaun, Esq., Assistant United States Attorney, was present on behalf of respondent. Attorney for petitioner and detained was present. Mr. Ornbaun presented and filed Demurrers to the Petition for writ of habeas corpus and by consent of attorney for detained, the Court ordered that the immigration records likewise presented be filed as Respondent's Exhibits "A" and "B" and that the same be considered as a part of the said original Petition. Said matters were then argued by counsel for respective parties and ordered submitted. [12]

In the Southern Division of the United States District Court, for the Northern District of California, First Division.

No. 16,119.

In the Matter of the Application of CHEW HOY QUONG, for a Writ of Habeas Corpus for and on Behalf of QUOK SHEE.

Demurrer to Petition for Writ of Habeas Corpus.

Now comes the respondent, Edward White, Commissioner of Immigration at the port of San Francisco, in the State and Northern District of California, and demurs to the petition for a writ of habeas corpus in the above-entitled cause and for grounds of demurrer alleges:

I.

That the said petition does not state facts sufficient to entitle petitioner to the issuance of a writ of habeas corpus, or for any relief thereon;

II.

That said petition is insufficient in that the statements therein relative to the record of the testimony taken on the trial of the said applicant are conclusions of law and not statements of the ultimate facts.

WHEREFORE, respondent prays that the writ of habeas corpus be denied.

JNO. W. PRESTON,
United States Attorney,
CASPER A. ORNBAUN,
Asst. United States Attorney,
Attys. for Respondent.

[Endorsed]: Filed Dec. 9th, 1916. W. B. Maling,
Clerk. By Lyle S. Morris, Deputy. [13]

In the Southern Division of the United States District Court, for the Northern Division of California, First Division.

No. 16,119.

In the Matter of the Application of CHEW HOY
QUONG for a Writ of Habeas Corpus for
and on Behalf of His Wife, QUOK SHEE.

**Demurrer to Amended Petition for Writ of Habeas
Corpus.**

Now comes the respondent, Edward White, Commissioner of Immigration at the port of San Francisco, in the State and Northern District of California, and demurs to the petition for a writ of

habeas corpus in the above-entitled cause and for grounds of demurrer alleges:

I.

That the said petition does not state facts sufficient to entitle petitioner to the issuance of a writ of habeas corpus, or for any relief thereon;

II.

That said petition is insufficient in that the statements therein relative to the record of the testimony taken on the trial of the said applicant are conclusions of law and not statements of the ultimate facts.

WHEREFORE, respondent prays that the writ of habeas corpus be denied.

JNO. W. PRESTON,

United States Attorney,

CASPER A. ORNBAUN,

Asst. United States Attorney,

Attorneys for Respondent.

[Endorsed]: Filed Dec. 9th, 1916. W. B. Maling,
Clerk. By Lyle S. Morris, Deputy. [14]

In the Southern Division of the United States District Court, for the Northern District of California, First Division.

No. 16,119.

In the Matter of QUOK SHEE, on Habeas Corpus.

DION R. HOLM, Esq., and ROY A. BRONSON, Esq., Attorneys for Petitioner.

JOHN W. PRESTON, Esq., United States Attorney, and CASPER A. ORNBAUN, Esq., Assistant United States Attorney, Attorneys for Respondent.

Order on Demurrer to Petition for a Writ of Habeas Corpus.

The demurrer to the petition for a writ of habeas corpus herein is sustained, and said petition denied.
December 15th, 1916.

M. T. DOOLING,
Judge.

[Endorsed]: Filed Dec. 15, 1916. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk. [15]

In the District Court of the United States, in and for the Northern District of California.

No. 16,119.

In the Matter of the Application of CHEW HOY QUONG, for a Writ of Habeas Corpus for and on Behalf of His Wife, QUOK SHEE.

Notice of Appeal.

To the Honorable JOHN W. PRESTON, United States Attorney, and Honorable CASPER A. ORNBAUN, Assistant United States Attorney, Attorneys for Respondent, and to the Clerk of the Above-entitled Court:

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that the petitioner in the above-entitled action, Chew Hoy Quong, through his attorneys, Dion R. Holm and Roy A. Bronson, feeling himself aggrieved by the judgment of the above-entitled court rendered on December 16th, 1916, sustaining the Demurrer to the Petition for a writ of habeas corpus and denying his application for a writ of habeas corpus, hereby appeals from said judgment and decision to the Circuit Court of Appeals for the Ninth Circuit.

DION R. HOLM,
ROY A. BRONSON,
Attorneys for Petitioner.

Dated, December 19, 1916.

Due service and receipt of a copy of the within Notice of Appeal is hereby admitted this 19 day of Dec., 1916.

JNO. W. PRESTON,
Attorney for Respondent.

[Endorsed]: Filed Dec. 20, 1916. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [16]

*In the District Court of the United States, in and for
the Northern District of California.*

No. 16,119.

In the Matter of the Application of CHEW HOY
QUONG, for a Writ of Habeas Corpus for and
on Behalf of His Wife, QUOK SHEE.

Petition for Appeal.

To the Honorable M. T. DOOLING, Judge of the
District Court of the United States for the
Northern District of California:

Chew Hoy Quong, the petitioner in the above-entitled matter, appellant herein, feeling aggrieved by the order and judgment made and entered in the above-entitled cause on the 16th day of December, 1916, whereby it was ordered and adjudged that the Demurrer to the Petition for a Writ of Habeas Corpus be sustained and the Application and Petition for the Writ of Habeas Corpus denied, does hereby appeal from said order and judgment to the United States Circuit Court of Appeals for the Ninth Circuit, for the reasons set forth in the Assignment of Errors filed herewith, and prays that his appeal be allowed and that citation be issued as provided by law and that a transcript of the record, proceedings and documents and all of the papers upon which said order and judgment were based duly authenticated, be sent to the United States Circuit Court of Appeals for the Ninth Circuit under the rules of said court in accordance with the law in such case made

and provided, and that all further proceedings in this matter be stayed until the final determination of said appeal.

Dated, December 19, 1916.

DION R. HOLM,
ROY A. BRONSON,

Attorneys for Petitioner. [17]

Service of the within Petition by copy admitted this 19 day of Dec., 1916.

JNO. W. PRESTON,
Attorney for Respondent.

[Endorsed]: Filed Dec. 20, 1916. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [18]

*In the District Court of the United States, in and for
the Northern District of California.*

No. 16,119.

In the Matter of the Application of CHEW HOY
QUONG, for a Writ of Habeas Corpus for and
on Behalf of His Wife, QUOK SHEE.

Assignment of Errors.

Now comes the petitioner in the above-entitled matter by his attorneys, Dion R. Holm and Roy A. Bronson, and files the following Assignment of Errors upon which he will rely in the prosecution of his appeal in the above-entitled cause in the United States Circuit Court of Appeals for the Ninth Circuit from the order and judgment made by this Honorable Court on the 16th day of December, A. D. 1916:

1. That the Court erred in denying the petition for a Writ of Habeas Corpus.

2. That the Court erred in sustaining the Demurrer to the petition for a Writ of Habeas Corpus.

3. That the Court erred in not granting the petition for a Writ of Habeas Corpus and in not discharging Quok Shee.

4. That the Court erred in finding that the ordering of a re-examination of the witnesses on the application for admission after a favorable report by the Inspector before whom the application was heard after proof of applicant's relationship was given, was not an abuse of discretion on the part of the Commissioner of Immigration.

5. That the Court erred in finding that there was not an abuse of power on behalf of the Immigration Commissioner in exacting more than convincing proof of the relationship of petitioner and Quok Shee.

6. That the Court erred in holding that there was legal or any evidence to support or warrant deportation presented to the Commissioner of Immigration or to the Secretary of Labor, proving, or tending to prove, that the said Quok Shee was not the wife of your petitioner. [19]

7. That the Court erred in holding that Quok Shee was not given a fair hearing because of the failure of the Commissioner of Immigration to permit the attorneys for said Quok Shee to examine the report of the law officer who reported unfavorably on said application, so that the attorneys could intelligently and advisedly meet the reasons for ex-

cluding Quok Shee when the case was taken on appeal to the Secretary of Labor.

8. That the Court erred in holding that the Commissioner of Immigration and the Secretary of Labor did not make their finding and decree of deportation under a mistake of law.

WHEREFORE, because of the many manifest errors committed by said Court, Chew Hoy Quong, through his attorneys, prays that the said judgment sustaining the Demurrer to the petition for a Writ of Habeas Corpus and denying the petition for a Writ of Habeas Corpus, be reversed, and for such other and further relief as the Court may think meet and proper.

Dated, December 19, 1916.

DION R. HOLM,
ROY A. BRONSON,
Attorneys for Petitioner.

Service of the within Assignment of Errors by copy admitted this 19 day of Dec., 1916.

JNO. W. PRESTON,
Attorney for Respondent.

[Endorsed]: Filed Dec. 20, 1916. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [20]

*In the District Court of the United States, in and for
the Northern District of California.*

No. 16,119.

In the Matter of the Application of CHEW HOY
QUONG for a Writ of Habeas Corpus for and
on Behalf of His Wife, QUOK SHEE.

Order Allowing Appeal.

On motion of Dion R. Holm and Roy A. Bronson, attorneys for Chew Hoy Quong, petitioner in the above-entitled cause,

IT IS HEREBY ORDERED that an appeal to the United States Circuit Court of Appeals for the Ninth Circuit from an order and judgment heretofore made and entered herein, sustaining the Demurrer to the petition for a writ of habeas corpus and denying the application for a writ of habeas corpus, be and the same is hereby allowed and that a certified transcript of the record, testimony, exhibits, stipulations and all proceedings be forthwith transmitted to the United States Circuit Court of Appeals for the Ninth Circuit in the manner and time prescribed by law and that meanwhile all further proceedings in this court be suspended, stayed and superseded until the determination of said appeal.

Dated December 20th, 1916.

M. T. DOOLING,
Judge of the District Court of the United States in
and for the Northern District of California.

Service of the within Order Allowing Appeal by
copy admitted this 19 day of Dec., 1916.

JNO. W. PRESTON,
Attorney for Respondent.

[Endorsed]: Filed Dec. 20, 1916. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [21]

*In the District Court of the United States, in and for
the Northern District of California.*

No. 16,119.

In the Matter of the Application of CHEW HOY
QUONG, for a Writ of Habeas Corpus for and
on Behalf of His Wife, QUOK SHEE.

Citation on Appeal (Copy).

United States of America,—ss.

The President of the United States to Commissioner
of Immigration at Port of San Francisco,
GREETING:

You are hereby cited and admonished to be and
appear at the United States Circuit Court of Ap-
peals for the Ninth Circuit, to be held at the city and
county of San Francisco, in the State of California,
within thirty days from the date of this writ, pur-
suant to an order allowing an appeal, filed in the
clerk's office of the United States District Court in
and for the Northern District of California, wherein
Chew Hoy Quong is appellant and you, Edward
White, Commissioner of Immigration at the port of
San Francisco, California, are appellee, to show
cause, if any there be, why the judgment in said
appeal mentioned should not be corrected, and
speedy justice should not be done to the parties in
that behalf.

WITNESS, the Honorable MAURICE T. DOOL-
ING, United States District Judge for the Northern

District of California, First Division, this 20th day of December, 1916.

M. T. DOOLING,
United States District Judge. [22]

Received a copy of the within Citation this 19th day of December, 1916.

JOHN W. PRESTON,
United States District Attorney.
CGH.

[Endorsed]: Filed Dec. 20, 1916. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [23]

*In the District Court of the United States, in and for
the Northern District of California.*

No. 16,119.

In the Matter of the Application of CHEW HOY
QUONG for a Writ of Habeas Corpus for
and on Behalf of His Wife, QUOK SHEE.

Stipulation (as to Exhibits).

IT IS HEREBY STIPULATED AND AGREED
by and between the respective parties in the above-
entitled cause that the original record of the Bureau
of Immigration, which was filed in the above-entitled
court as respondent's exhibit may be transferred in
its original form and without being transcribed, to
the United States Circuit Court of Appeals for the
Ninth Circuit and the same is and may there be con-
sidered part of the record in determining this cause
on appeal to the said United States Circuit Court of
Appeals for the Ninth Circuit without objection on
the part of either of said respective parties.

AND IT IS FURTHER STIPULATED that the testimony attached to the petitioner's amendments to his petition for a Writ of Habeas Corpus need not be transcribed, as they are contained in the original record of the Bureau of Immigration.

Dated December 27th, 1916.

JNO. W. PRESTON,

United States Attorney.

CASPER A. ORNBAUN,

Assistant United States Attorney.

DION R. HOLM,

ROY A. BRONSON,

Attorneys for Chew Hoy Quong.

[Endorsed]: Filed Dec. 27, 1916. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [24]

*In the District Court of the United States, in and for
the Northern District of California.*

No. 16,119.

In the Matter of the Application of CHEW HOY
QUONG for a Writ of Habeas Corpus for
and on Behalf of His Wife, QUOK SHEE.

Order (as to Exhibits, etc.).

IT APPEARING to the Court that it is both necessary and proper that the original papers and records referred to in the above-entitled stipulation should be inspected in the United States Circuit Court of Appeals, for the Ninth Circuit, in determining the appeal of said cause.

IT IS HEREBY ORDERED that the said original record be transferred by the clerk of said court to the clerk of the United States Circuit Court of Appeals for the Ninth Circuit to be retained by said clerk until the appeal in the above-entitled cause is properly disposed of at which time the original papers and records may be returned to the clerk of the above-entitled court and that petitioner need not transcribe the exhibits or testimony attached to his amendments to his petition for a writ of habeas corpus.

Dated December 27th, 1916.

WM. H. HUNT,
Judge of the District Court.

[Endorsed]: Filed Dec. 27, 1916. W. B. Maling,
Clerk. By C. W. Calbreath, Deputy Clerk. [25]

**Certificate of Clerk U. S. District Court to Transcript
on Appeal.**

I, Walter B. Maling, Clerk of the District Court of the United States, for the Northern District of California, do hereby certify that the foregoing 25 pages, numbered from 1 to 25, inclusive, contain a full, true, and correct transcript of certain records and proceedings, in the matter of Quok Shee on Habeas Corpus, No. 16,119 as the same now remain on file and of record in this office said Transcript having been prepared pursuant to and in accordance with "Prae-cipe for Transcript of Record" (copy of which is embodied in this transcript), and the instructions of the attorney for the petitioner and appellant herein.

I further certify that the cost for preparing and certifying the foregoing Transcript on Appeal is the sum of eleven dollars and sixty cents (\$11.60), and that the same has been paid to me by the attorney for the appellant herein.

Annexed hereto is the Original Citation on Appeal, issued herein (page 27).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said District Court, this 15th day of January, A. D. 1917.

[Seal]

WALTER B. MALING,

Clerk.

By T. L. Baldwin,
Deputy Clerk. [26]

*In the District Court of the United States, in and for
the Northern District of California.*

No. 16,119.

In the Matter of the Application of CHEW HOY
QUONG, for a Writ of Habeas Corpus for
and on Behalf of His Wife, QUOK SHEE.

Citation on Appeal (Original).

United States of America,—ss.

The President of the United States to Commissioner
of Immigration at Port of San Francisco,
GREETING:

You are hereby cited and admonished to be and appear at the United States Circuit Court of Appeals for the Ninth Circuit, to be held at the city and county of San Francisco, in the State of California,

within thirty days from the date of this writ, pursuant to an order allowing an appeal, filed in the clerk's office of the United States District Court in and for the Northern District of California, wherein Chew Hoy Quong is appellant and you, Edward White, Commissioner of Immigration at the port of San Francisco, California, are appellee, to show cause, if any there be, why the judgment in said appeal mentioned should not be corrected, and speedy justice should not be done to the parties in that behalf.

WITNESS, the Honorable MAURICE T. DOOLING, United States District Judge for the Northern District of California, First Division, this 20th day of December, 1916.

M. T. DOOLING,
United States District Judge. [27]

[Endorsed]: No. 16,119. U. S. District Court in and for the Northern District of California. In the Matter of the Application of Chew Hoy Quong for a Writ of Habeas Corpus for and on Behalf of His Wife. Quok Shee. Citation on Appeal. Filed. Dec. 20, 1916. W. B. Maling, Clerk. By C. W. Calbreath, Deputy Clerk.

Received a copy of the within Citation this 19th day of December, 1916.

JOHN W. PRESTON,
United States District Attorney.
CGH.

[Endorsed]: No. 2926. United States Circuit Court of Appeals for the Ninth Circuit. Chew Hoy Quong, Appellant, vs. Edward White, as Commissioner of Immigration at the Port of San Francisco, California, Appellee. In the Matter of the Application of Chew Hoy Quong for a Writ of Habeas Corpus for and on Behalf of His Wife, Quok Shee. Transcript of Record. Upon Appeal from the Southern Division of the United States District Court for the Northern District of California, First Division.

Filed January 18, 1917.

F. D. MONCKTON,
Clerk of the United States Circuit Court of Appeals
for the Ninth Circuit.

By Paul P. O'Brien,
Deputy Clerk.